

REMARKS

The Examiner objected to claims 6-13 as being dependent on a rejected base claim; rejected claims 1-5, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 6,834,073) (hereinafter “Miller”) in view of von der Embse (U.S. Patent No. 4,689,806). Applicants amend claims 1, 6, and 14. Claims 1-15 are in the case.

Objection to Claims 6-13

The Examiner objected to claims 6-13 as being dependent on a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicants amend independent claim 6 to put it into independent form including all of the limitations of claims 1 and 2 from which claim 6 previously depended.

For clarity, Applicants further amend claim 6 as follows: “generating a baseband signal ~~under control of from baseband data from~~ the controller.” This amendment is supported in the specification at page 2, lines 17-19 (“... baseband data from a controller ... to produce a baseband modulation signal.”) and page 4, line 23 – page 5, line 9 (“Referring now to Fig. 2 ... Baseband I/Q data is passed from the controller 40 of the RF measurement instrument 10 to a field programmable gate array (FPGA) 14 ... The DACs 16, 18 create ... baseband signals [from the baseband data].”). No new matter has been added.

Thus, Applicants request that the objection to claims 6-13 be withdrawn.

Rejection of Claims 1-5, 14, and 15 under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-5, 14, and 15 as being unpatentable over Miller in view of von der Embse. Applicants respectfully traverse.

In the same manner that claim 6 was amended for clarity, as discussed above, Applicants amend independent claims 1 and 14 as follows: “generating a baseband signal ~~under control of from baseband data from~~ the controller.” These amendments are supported in the specification at page 2, lines 17-19 (“... baseband data from a controller ... to produce a baseband modulation signal.”) and page 4, line 23 – page 5, line 9 (“Referring now to Fig. 2 ... Baseband I/Q data is passed from the controller 40 of the RF measurement instrument 10 to a field programmable gate

array (FPGA) 14 . . . The DACs 16, 18 create . . . baseband signals [from the baseband data].”). No new matter has been added.

With regard to claims 1 and 14 as so amended, neither Miller nor von der Embse nor their combination describes “generating a baseband signal from baseband data from the controller.” Instead, Miller’s and von der Embse’s baseband signals are derived from received input RF and UWB signals. Miller’s and von der Embse’s controllers control their receivers, but they certainly do not produce baseband data from which a baseband signal is then generated. For this reason, claims 1 and 14 are not rendered obvious by a combination of Miller and von der Embse, and therefore Applicants request that the rejection of claims 1 and 14 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2 and 15 are allowable because they depend from claims 1 and 14, both of which are allowable for the reason discussed above. Furthermore, claims 2 and 15 are not rendered obvious by a combination of Miller and von der Embse because neither Miller nor von der Embse nor their combination describes “offsetting the output frequency from the measurement frequency.” The Examiner writes that Miller teaches this limitation at column 12, lines 11-27. Applicants respectfully disagree. Let’s examine the cited text (emphasis added):

“Once synchronized, the receiver will operate in a tracking mode, where the timing generator 7.sub.1 is adjusted by way of a continuing series of phase adjustments to counteract any differences in timing of the timing generator 7.sub.1 and the incoming signal. However, a feature of the present invention is that by sensing the mean of the phase adjustments over a known period of time, the radio controller and interface 9 adjusts the frequency of the timing generator 7.sub.1 so that the mean of the phase adjustments becomes zero. The frequency is adjusted in this instance because it is clear from the pattern of phase adjustments that there is a frequency offset between the timing generator 7.sub.1 and the clocking of the received signal. . . .”

According to the text above, Miller adjusts the frequency of the timing generator in order to “counteract,” i.e., to eliminate an offset between it and the frequency of the received signal, not to introduce an offset between them as recited in claims 2 and 15.

For both of these reasons, Applicants request that the rejection of claims 2 and 15 under 35 U.S.C. § 103(a) be withdrawn.

Claims 3-5 are allowable because they depend from claims 1 and 2, both of which are allowable for the reasons discussed above. Accordingly, Applicants request that the rejection of claims 3-5 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing remarks, allowance of claims 1-15 is urged, and such action and the issuance of this case are requested. Should the Examiner maintain the rejection of these claims, entry of these amendments is requested as clarifying the issues for appeal.

Respectfully submitted,

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